

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Civil No. 03-00115 DAE BMK
)	
Plaintiff,)	INSTRUCTIONS TO THE
)	GARNISHEE
v.)	
)	
WILLIAM NOBLE KAUPU, JR. aka,)	
WILLIAM N. KAUPU, JR. and)	
WILLIAM N. KAUPU,)	
)	
Defendant,)	
)	
STATE OF HAWAII,)	
)	
Garnishee.)	
)	

INSTRUCTIONS TO THE GARNISHEE

GREETINGS TO: STATE OF HAWAII
Department of Accounting & General Services
Accounting Division - Pre Audit Branch
Attn: Claire Fukuji
1151 Punchbowl Street
Honolulu, HI 96813

Attached is a Writ of Garnishment instructing you to provide the following information, in writing, under oath, within ten (10) days of receipt of the Writ: (1) Whether or not you have in your custody, control, or possession any property owned by the Debtor, including nonexempt, disposable earnings; (2) A description of such property and the value of the property; (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt; and (4) The amount of the debt you anticipate owing to

the Debtor in the future and whether the period for payment will be weekly or another specified period.

You are required by law to file the original written Answer to the Writ within ten (10) days of your receipt of the Writ with the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

You may complete the attached form entitled "ANSWER OF THE GARNISHEE FORM" and use it as your written Answer to the Writ.

You are also required by law to serve a copy of the Answer to the Writ upon the Debtor at: P.O. Box 1858, Kaunakakai, HI 96748 and upon the United States Attorney, Attn: EDRIC M. CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

You are further required to withhold and retain any property in which the Debtor has a substantial nonexempt interest and for which you are or may become indebted to the Debtor pending further Order of the Court.

IF YOU FAIL TO ANSWER THE WRIT OR FAIL TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT AND TO SO WITHHOLD PROPERTY BEFORE THE APPEARANCE DATE.

IF YOU FAIL TO APPEAR, OR YOU APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THE WRIT, THE COURT WILL ENTER JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE EARNINGS).

THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO APPEAR.

If you have any additional questions, please call
Courtney Hu, Financial Litigation Unit, at (808) 541-2850.